



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor  
William G. Ross Jr., Secretary

September 9, 2008

Mr. David W. King, Jr.  
Shotwell Transfer Station II, Inc.  
3209 Gresham Lake Road  
Suite 114  
Raleigh, NC 27615

**Re: Compliance History Review for the Permit Amendment for the PCM Apex C&D Transfer Facility (Permit #92-29T), Wake County, North Carolina**

Dear Mr. King, Jr.:

The agency is currently reviewing the application for a permit amendment to the PCM Apex C&D Transfer Facility (Permit #92-29T), which lists "Shotwell Transfer Station II, Inc." as the contract operator. Under N.C.G.S. § 130A-294 (b2)(2), the agency is undertaking a compliance history review to determine your past compliance with federal and state laws, regulations, and rules for the protection of the environment. In order to complete this review the following information is needed:

1. Under § 130A-294 (b2)(1), the applicant shall satisfy the Department that the applicant or permit holder, and any parent, subsidiary, or other affiliate of the applicant, permit holder, or parent, including any joint venturer with a direct or indirect interest in the applicant, permit holder, or parent is financially qualified to carry out the activity for which the permit is required. In order to fulfill this requirement, please submit a current, audited, certified financial statement in accordance with § 130A-295.2(e) for "Shotwell Transfer Station II, Inc."
2. Please complete the enclosed questionnaire for David W. King, Jr. and Shotwell Transfer Station II, Inc.

Please be advised that under subsection N.C.G.S. § 130A-294(b3), the agency is not required to review the application until you have satisfied the agency that you have met the requirements of subsection (b2). The agency will also conduct a compliance review under N.C.G.S. § 130A-309.06(b), which pertains to David W. King, Jr.'s and Shotwell Transfer Station II, Inc.'s violations of statutes, rules, orders, or permit terms or conditions relating to any solid waste management facility in this State. If you are a business entity, the compliance review may extend to any other parent, subsidiary, or other affiliate, as well as a partner, a corporate officer or director, or a stockholder holding over 50% of the stock.

Sincerely,

Amy Kadrie  
Compliance Officer  
Solid Waste Section

cc: Paul Crissman, Solid Waste Section Chief  
Ed Mussler, Permitting Branch Head  
Mark Poindexter, Field Operations Branch Head  
Donna Wilson, Permitting Engineer  
Jason Watkins, Central District Supervisor  
Bradley Bailey, Environmental Senior Specialist  
Central File

Enclosure



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### Compliance Review

The applicant, Shotwell Transfer Station II, Inc., is requested to provide the following information. For purposes of the questions below, the phrase "within the past five years," means five years prior to the date of this request.

A. The following question applies to all the applicant's solid waste management activities.

1. With respect to the applicant's solid waste management activities, check whether the applicant has been a party to or received any of the following within the past five years:

- ☐ a. Compliance Order with a penalty
- ☐ b. Compliance order without a penalty
- ☐ c. Order to cease operating
- ☐ d. Order to abate public health nuisance [130A-19];
- ☐ e. Order to abate imminent hazard [130A-20];
- ☐ f. Order to abate nuisance scrap tire site [130A-309.60].
- ☐ g. Administrative Consent Agreement or Settlement Agreement (e.g., may involve revised permit conditions)
- ☐ h. Revocation or suspension of a permit
- ☐ i. Denial of a permit application for a solid waste management facility
- ☐ j. Penalty Collection lawsuit (lawsuit to collect an unpaid penalty)
- ☐ k. Confession of Judgment (for the payment and collection of an unpaid penalty or other monies owed to a special account, such as the scrap tire account or white goods account)
- ☐ l. Injunctive relief or law suit for injunctive relief
- ☐ m. Lawsuit for forfeiture of gain (N.C.G.S. §130A-28)
- ☐ n. Lawsuit for recovery of money (N.C.G.S. §130A-27)
- ☐ o. State Criminal action- misdemeanor or felony (N.C.G.S. 130A-25; 130A-26.2; 14-399]
- ☐ p. Federal criminal action-misdemeanor or felony

B. **[Note: Questions 2 and 3 cover any type of environmental violation.]**

Check all applicable boxes.

Within the past five years:

2. The applicant has been convicted of, or pled guilty or no contest to, a criminal violation of a statute, regulation, or rule for the protection of the environment.

- ☐ a. in state court
- ☐ b. in federal court
- ☐ c. not applicable

3. A monetary penalty (whether denominated as a civil penalty, an administrative penalty, a judicial penalty, or by some other designation), has been assessed against the applicant for the violation of a state or federal statute, rule, or regulation for the protection of the environment.

☐ a. in a state forum  
☐ b. in a federal forum  
☐ c. not applicable

**[Note: Questions 4 and 5 will encompass those situations where a solid waste management facility operated in violation of solid waste management statutes/regulations, as well as groundwater, surface water, water quality, and air quality statutes/regulations, among others.]**

4. With respect to any solid waste management facility owned or operated by the applicant, a lawsuit for injunctive relief has been filed against the applicant for the violation of a statute, regulation or rule for the protection of the environment.

☐ a. in state court  
☐ b. in federal court  
☐ c. not applicable

5. With respect to any solid waste management facility owned or operated by the applicant, a judgment, or consent judgment, for injunctive relief has been entered against the applicant for the violation of any statute, regulation or rule for the protection of the environment.

☐ a. in state court  
☐ b. in federal court  
☐ c. not applicable

6. A permit for a solid waste management facility owned or operated by the applicant has been revoked or suspended.

☐ a. in a state forum  
☐ b. in a federal forum  
☐ c. not applicable

7. The applicant submitted a permit application for the proposed ownership or operation of a solid waste management facility that has been denied.

☐ a. in a state forum  
☐ b. in a federal forum  
☐ c. not applicable

8. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility without the requisite permit.

☐ a. yes  
☐ b. not applicable

9. A governmental agency or unit has notified the applicant in writing that the applicant has operated or is operating a solid waste management facility outside the scope of the permitted activity.

☐ a. yes

b. not applicable

For each question that has been marked with an answer other than “not applicable,” please provide a written, detailed explanation, including how or if the matter has been resolved.

The applicant may be requested to provide a written, sworn statement certifying the status of the matter. Possible certification statements are as follows:

The applicant is now in compliance with all civil and criminal penalty provisions of any administrative order, consent agreement, settlement agreement, or court order.

The applicant is in compliance with the payment schedule for any assessed administrative penalties.

The applicant has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the violation.

If the applicant certifies that the applicant is now in compliance, the applicant may be asked to submit proof from the agency having jurisdiction over the violation that the applicant is in the process of correcting or has corrected the violation to the satisfaction of the agency.

The applicant will be asked to certify the truth and accuracy of the answers provided to these compliance review questions.

I, \_\_\_\_\_, hereby certify on behalf of Shotwell Transfer Station II, Inc. as applicant's \_\_\_\_\_ (title of position with applicant), that I have read the foregoing answers provided to the Compliance Review, that the information and answers contained in the responses to the Compliance Review are true and accurate based on my own knowledge and my review of documents and that I have not omitted any material information or falsified any information contained in the foregoing answers. I am aware that there are significant penalties for making any false statement, representation, or certification including the possibility of a fine and imprisonment.

Signature/printed name and title too

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn and subscribed to before me this the \_\_\_\_ day of \_\_\_\_, 200\_\_.

\_\_\_\_\_  
notary public

My Commission expires:  
SEAL